## UNITED STATES COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 1:02cr56

UNITED STATES OF AMERICA	)	
v.	)	
KENNETH ROBERT SPRING	)	
	)	
	)	

THIS MATTER is before the Court on its own motion. Pursuant to the Fourth Circuit's ruling in <u>U.S. v. Fancher</u>, 513 F.3d 424 (4<sup>th</sup> Cir. 2008) and Rule 32 of the Federal Rules of Criminal Procedure, this Court hereby gives notice to all parties that, for the reasons previously stated by the Court, it is considering imposing a variance sentence and a downward departure from the Guidelines sentence suggested in Mr. Spring's pre-sentence report.

IT IS SO ORDERED.

Signed: April 23, 2008

Graham C. Mullen United States District Judge